

Minutes for The  
Daggett County Planning & Zoning Meeting  
August 19, 2015 at 6:00 PM

**Members Present:** Woody Bair, Chad Reed, Stew Leith, Al Ladeau, Brian Raymond and Carrie Poulsen

**Members Absent:** Ryan Morgan

**Guest Present:** Jack Lytle arrived at 6:10.

1. Woody Bair welcomed everybody and called the meeting to order at 6:00 PM
2. **Approval of Minutes from July 22, 2015.** Brian asked for discussion on the second page about ¼ of the way down the page the line starts with permit. Woody said. Woody said we can say anything over 200 square feet should we say needs a permit. Brian recommended deleting the phrase should we say. After discussion of changes Al Ladeau motioned to approve minutes with the changes, Brian Raymond seconded. All in favor, motion passed. Chad and Stew abstained as they were not at the July 22, 2015 meeting.
3. **Consideration and Discussion: Yurts, Tents, teepees.** To define, consider what zones they are permitted in or not and separate application. Woody asked Carrie to present the ordinance she wrote up in regards to this. Carrie had spoke with Matt Tate and he said as far as tents and teepees he is not going to want to do much with these as far as inspections and such. He said if they got a business license, for instance if somebody wanted to put up a tent to sell fireworks they would have to get a business license then he would go out and do a field safety inspection, but would not require them to get a building permit. Chad asked if these tents had electricity or plumbing would they require a permit. Carrie asked if this would be covered already in the Ordinances. Brian asked what if it was just temporary electricity would a building permit be required. Woody asked where is the line where somebody lives in a tent for 6 months and there are public health conditions that could be affected. Carrie asked if this also wasn't addressed in the current ordinances that to be a dwelling it has to be a certain size, have power, plumbing, etc. Brian asked if a temporary structure can be used as a dwelling. There was discussion. More discussion on enforcing the Ordinances. Woody brought the conversation back to defining membrane structures and where they will be allowed. Al asked if the structure is only in use for 180 days why can't there just be a conditional use permit issued for the purpose and inspect it for the purpose it is being used for and does this every year it is used and make sure everything is in compliance. Woody asked the question what if somebody says they want to live in a yurt, are we going to expect them to get an inspection every 180 days. Al said it could be an individual basis. If somebody wanted it to be a residence then it would have to meet dwelling standards. Chad asked if Brian Smith got a conditional use permit for his yurt and he did. Chad said long term yurt needs to be defined. Al said then it becomes a permanent

structure. Al had mentioned that the footings for Wounded Warrior are not deep enough and do not meet frost level but they will not be used during winter months. Woody said as long as someone is there every day it is the same amount of occupation. Al said for Wounded Warrior make it only 180 days, not the same as a permanent dwelling. Carrie asked if we wanted to even allow Yurts as a permanent residence. Stew didn't think we wanted to. Brian said if they do want it to be a permanent residence then it will have to meet all the codes at apply. Woody said as of right now anything over 200 square feet needs a building permit. Woody asked how we are going to differentiate. Al feels we may have already answered that question if somebody wants to build a yurt it will be a separate application as a temporary structure then if it becomes permanent then they will have to have a regular permit. Woody wanted to clarify that if it is over 200 square feet then they will have to get a membrane structure permit and if it is up for 1 day or 100 days? Brian said the problem is we are not seeing all the uses that could be applied for with tents and yurts. Brian said to maybe have the temporary tents and yurts match the camping ordinance of no longer than 16 days. Carrie asked if there was something already about this in the ordinance. Woody read Article VI, section 621, number 4. Woody wanted to make sure the board was not creating something contrary to what already exists and that was hard to understand. Carrie asked if the board read the ordinance she had put together regarding membrane structures. Al asked if the guy ropes on tents had to meet setbacks and the board felt that they should in regards to fire code. Carrie said again after speaking to Matt Tate that he isn't really going to police them but they would have to get a business license and then he will do a safety inspection but wouldn't make them get a building permit. Woody asked if Matt had reviewed the proposed ordinance and he had not and neither has Niel, but Carrie had sent them both copies. Woody asked to go line by line on the ordinance that Carrie had presented. He said the top part he didn't think needed review, it was standard. He went to line item 1, the definition for Membrane structure. The board was comfortable with the wording. Line Item 2. Brian asked if greenhouses are exempted and they are per IBC code. There was a question on 2-C and to be in line with the current ordinance, Article VI, section 621 Number 4, the board suggested it be 60 days not 30 days. There was discussion that the currently it is not required to get a conditional use permit or building permit for these types of events mentioned in Article VI Section 621 number 4. Woody said one of the things reviewed last month was that if a structure was more than 75% open it did not apply. Woody read the definition presented and it reads that it would not include open-air canopies such as free-standing awnings; shade structures, shade gazebos, and walkway covers. So that would exempt most special event things unless it was fully enclosed. Carrie asked if sizes need to be mentioned but Woody said no as anything over 200 square feet needs a permit. Woody asked if the board was comfortable with C with the change to 60 days and yes they were. There was discussion on the wording on line 3, where yurts are allowed. Woody asked if we could just say commercial zones with a CUP and then they would have to file for a permit. Carrie said if you go to the commercial zoning and the reason she only added CS, CH, CG zones is she only added the commercial zones where a hotel, motel would be allowed with a CUP. The board wants Niel Lunds opinion on

the wording in Line 3, A should it be “are” or “may be” allowed. After further discussion the board decided that the term are is appropriate based on the zones listed, but to still have Niel review it number 3, a&b. Number 4 and 5 were read and the board approved the wording. On the second page was a Membrane Structure Building Permit Application. After discussion the board liked the wording on the application and the rest of the packet. Woody asked for any other discussion. The board feels a motion is in order. Al Ladeau made a motion to adopt the ordinance pending a review by Niel Lund, County Attorney, seconded by Chad Reed. All in favor, motion passed. Carrie asked for further discussion and asked if the board was ok with it not saying tents and they felt it was covered.

4. **Consideration and Discussion: Jon Aoki Setbacks.** Carrie said she spoke with Matt Tate and Niel Lund and they said based on the information that the county has, an inspection that was performed by Tim Novinger on 9/23/13, building inspector at that time, stating to close file no violations found and to issue a Certificate of Occupancy, that the violation was not found at that time to consider a variance. Chad had concern that the home is not meeting the setbacks and what if there was a fire and what is the liability to allowing a home not meeting setbacks? Chad feels there could be a fight either way on allowing the variance or not. Woody asked what the action item was. Carrie said if the board would consider a variance? Woody said he always has the right to apply for a variance. Chad said maybe Niel could come up with some wording of the home not meeting the setback and in the event there is some kind of catastrophe that the county will not be liable and document the problem. Al feels allowing this variance could cause problems in the future of others asking for a variance for the same reason. Chad feels it will not as the ordinances will prevent this from happening. Woody suggested Mr. Aoki apply for a variance, the board will review it a make a recommendation to the County Commissioners. Chad Reed Motioned that the board will not deny Mr. Aoki the opportunity to file for a variance, Stew seconded. All in favor, motion passed.
5. **Consideration and Discussion: Adopting Planning & Zoning Bylaws.** Woody asked Brian Raymond to give the board some background. The Bylaws were presented but were never acted on. Al Ladeau motioned to table until the next meeting for further review. Brian asked about the numbers that were changed and Carrie said she did to match the current ordinances. Woody asked if the board accepted the motion that was made by Al, Chad seconded the motion, no further discussion, all in favor, motion passed.
6. **Consideration and Discussion: Resignation of Ryan Morgan as Planning & Zoning Board Member.** Woody has been in contact with Ryan and he has moved out of the area. Woody has asked Ryan to provide the board with a resignation letter and Woody has not received that as of today. Woody asked how to proceed. Jack recommended searching for a new member. Woody asked if the board knew of anybody, Al thought maybe Dwayne Benson might be a good fit. Al will speak with Dwayne. Stew said while we are on this subject could the board go back to meeting during the day? Woody asked if an 11:00 AM meeting would work so Chad could attend. Brian was wondering if it would be convenient for the public to attend a day meeting. Al said if somebody needed to attend they will make arrangements to attend. Jack said that the meeting schedule will have to be posted and noticed and

suggested maybe keeping the current schedule. Carrie said she will make sure the change gets posted. Stew motioned that the meeting schedule be changed back to 11:00 AM. Brian Raymond stated that this was not an agenda item and a motion cannot be made. Chad said item 12 is to set next meeting date and it can be acted on under that. Chad Reed seconded the motion, All in favor, motion passed, pending the availability of a room and the recording machine.

- 7. Building Permit Report:** Woody asked if there was a way to ask Matt Tate to come over more to get these old permits cleaned up. Jack said you can ask and Brian feels there may be money allocated for it. The issue may be Matt Tate's time as he has another full time job. Jack feels a conversation with Matt may be warranted and what he sees as do able. Brian asked if there were 2 inspectors under contract and Matt Cazier is but has turned it all over to Matt Tate. Jack wondered if we need to speak with Matt Cazier. Woody asked Carrie to speak with Matt to see about getting this cleared up. Jack said the board may need to speak with Niel in regards to the inspector's liability on getting these cleaned up. Chad asked about all the open Dutch John permits open. Jack said we are doing the job in the meantime as they have not adopted any bylaws, planning and zoning board or ordinances adopted. Chad asked the legality of this can the Daggett County board provide any services as planning & zoning. Jack feels that any open permits should be finalized or have Dutch John stamp off on them if they take them over. There was nothing new to report other than any new permits. The only question was the water on the Lucas property. There was some clarification on the difference of the Dutch John Water Tank and the Greendale Water Treatment Plant. Carrie had them confused and it is cleared up now. Jack said Carrie does not have any paperwork on the Dutch John Tank as of yet.
- 8. Public Land Report.** Jack said the Public Land Committee has not been meeting. Jack spoke with Mark Ward and there has been progress as far as UBAG funding. On September 8, 2015 there is a meeting to get an update on where the counties are. Mark wants to meet with Jack and go over the 27 items that are listed to get an idea of where the county wants to go with each item relative to the bigger plan. Woody asked if the board read the Kane County Plan. Woody said he liked the outline of the plan and asked if that's where Daggett County will be heading. Woody like the 14 district areas identified for use. He asked the board to please review Kane County. Woody asked if Mark Ward has been contracted by the county and he has not as of yet. Jack will find out when the meeting with Mark will be and see who can attend from the different boards. Jack attended a meeting in Evanston regarding grazing and said they may have language ready the middle of September. No further discussion on PLI.
- 9. Follow Up: Storage Container Ordinance. Hand in Hand Outdoor Veterans Camp.** The Storage Container Ordinance is on the Commissioners agenda for a public hearing on September 9, 2015. No changes were made. Hand in Hand Outdoor Camp. Matt Tate did not have all the information to approve their permit yet. Woody asked for any other discussion or questions that the board has that we could let them know. Carrie asked about the water and the sewer/septic. Jerry Taylor had said to one of the contractors it is in the plans and being worked on. Al asked if they were told all the specifics that they need to

present. It is all part of the building permit packet, at one of the meetings they were advised of everything, stamped planned engineered plans needed to be presented etc. They were also advised by Darrin Brown of the water and septic issues. Brian said he did get approval to use a 1200 gallon tanker to be used at the property, at least for this summer, for fire suppression. Carrie said she had read in the ordinances that this cannot be used for fire suppression. Woody asked if there has been any update on the culinary water and there has not been.

**More discussion on Item 7: Building Permit report.** There was discussion on water for Matt Lucas. Mr. Lucas would like to hook into the Dutch John Water Tank. Chad feels he is bound by fire protection. Jack asked where that could be found and Chad said Rural Water. Brian said Matt has been told this and asked if it was true. Chad said there are rules that will not let the County to just let him have a 1" line. Jack asked if that was the same issue Jerry Taylor is dealing with and it's really not the same since Jerry Taylor's is more of a commercial project but Chad said the rules are based on the same principal of being able to have proper fire flow. Discussion on who should install the water line, should it be in a public or private easement. Jack said what he doesn't want to do is run from the main pressurized line because he cannot dig is deep enough. Chad asked if he had a well and Brian said he does not have one. Brian said there was discussion in Commission about how to do the water in the negotiation process and they made a decision without finalizing anything. Chad said if there is no agreement then it goes back to state law. Woody asked for any further discussion.

- 10. Ordinance Review:** Start at section 505 Article V and through as time permits. There was discussion on the codification of the County Ordinances. Brian said there is a certain amount of time if we want to make any changes, but it can still be changes after its codified. Woody asked if the County is paying to have somebody review the ordinances and see where there are discrepancies and Brian said yes and they have giving a list already. Brian said the county has 90 days to answer those current discrepancies. Brian asked Jack if there was a digital version and Jack has one. Woody asked if there was anything in there that the Planning & Zoning board needed to be aware of. Carrie asked about the changes that the board has made but has not gone to a public hearing yet. Brian said it needs to be a completed process to be approved. Brian suggested not reviewing the whole ordinance, to go through the process to a certain point, approve those changes and then move on. Woody asked if the codified version would need a public hearing and it will. Chad suggested that if we are going to move to daytime meetings that we set another date and set a 6:00 PM meeting to just work on ordinances. Carrie asked if it needed to be a regular meeting and it does need to have an agenda, it's a public meeting and take minutes. Jack said we need to get with Niel as in the codification there is Land Use Regulations and they may be trying to do what we are. Brian said they won't write ordinances, Woody said they will only take existing ordinances. Jack said he would email Woody the Land Use section. The codifiers are making recommendations on changes. Woody would like a motion on line item 10. Chad Reed motioned to continue work starting on Article V section 505 in a

specific work meeting on a date of the Planning & Zoning choosing and specific to the rest of the ordinances. The board choose September 9, 2015 at 6:00 PM. Stew Leith seconded, all in favor, motion passed. Discussion on what codification means.

**11. Goals.** Nothing new

**12. Items for next agenda.** Woody stated the minutes should reflect the items. Woody asked for any other discussion. Next regular meeting set for September 16, 2015 at 6:00 PM. Stew motioned to adjourn, Al Ladeau seconded. All in favor, meeting adjourned at 8:00 PM.